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3
4 UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON
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6 In re:)
7 GENERAL ORDER) SECOND AMENDED ORDER
8 02-05) ESTABLISHING STANDARDS FOR
9) THE ELECTRONIC FILING,
SIGNING AND VERIFICATION
OF DOCUMENTS

10 THE COURT BEING MINDFUL:

11 of the Judicial Conference's Committee on Automation and
12 Technology having designated moving to electronic case files
as a top priority; and

13 of the Court's participation in the case management and
14 electronic case filing system developed by the
Administrative Office of the United States; and

15 that it permits, by local rule, the filing, signing and
16 verification of documents by electronic means so long as
they are consistent with standards established by the Court;
and

17 of its intent to promote and encourage the use of electronic
18 case management methods which include the filing of
documents in cases and Adversary Proceedings and the
19 preparation, signing and distribution of court issued
documents; and

20 of its intent to replace conventional methods of
21 transmitting, receiving and maintaining information with
electronic methods, as quickly and as completely as is
22 practicable, while yet maintaining the reliability,
accessability and security of that information;

23 NOW THEREFORE THE COURT hereby amends its first amended general
24 order establishing standards for the electronic filing, signing
and verification of documents dated March 11, 2004, effective
25 April 1, 2005 as follows:

- 26 1. *Scope of Electronic Filing* - Unless expressly
27 prohibited, the filing of all documents required or

1 a case or Adversary Proceeding may be accomplished
2 electronically.

3 Documents filed conventionally with the court may be
4 converted into an electronic format by the court and in
5 such cases, such documents will be treated for all
6 purposes as if they had been electronically filed,
except that conversion of a conventionally filed
document to electronic format by the Court will not
effect the original filing date and time of that
document.

7 2. *Official Record of Court* - The official record of the
8 Court shall be all documents filed electronically,
9 converted to an electronically filed format and those
conventionally filed and not converted to electronic
format.

10 3. *Retention of Record Copy* - Where a document filed
11 conventionally is converted to an electronic format by
12 the Court, the document originally filed shall be the
13 record copy only. Record copies of documents will be
14 retained by the Court only so long as required to
ensure that the information has been transferred to the
Court's data base, for other Court purposes or as
required by other applicable laws or rules.

15 4. *Eligibility, Registration, Passwords.* All persons may
16 file pleadings and documents electronically so long as
they satisfy the registration requirements established
by the Court.

17 5. *Requirement to File Documents Electronically* - All
18 Attorneys, whether or not admitted to practice in this
19 district, and Parties in Interest in cases or Adversary
20 Proceedings filed in this court, including but not
21 limited to examiners, trustees, Office of the United
States Trustee, Office of the United States Attorney
and any other entity as determined by the court, are
required to file documents electronically in a manner
approved by the court.

22 6. *Exception to File Documents Electronically* - Pro-se
23 debtors, entities who have filed fewer than 12
24 documents during the most recent 12 month period and
25 entities that have been granted a waiver from filing
electronically are excepted from filing documents
electronically. No documents filed pursuant to LBR
9018-1 need nor should be filed electronically.

26 7. *Waiver of Requirement to File Documents Electronically*
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1 - Any entity that is required to file documents
2 electronically may request a waiver of that requirement
3 by submitting to the court a Request for Waiver From
4 Electronic Filing on the prescribed form. A separate
waiver must be filed for each case or Adversary
Proceeding for which a waiver is desired.

- 5 8. *Failure to File Documents Electronically* - Any entity
6 that is required to file documents electronically and
7 that has not been granted a waiver or has an unresolved
8 waiver request pending who files a document non-
electronically is subject to sanctions as may be
imposed by the court or to having the document stricken
unless, after notification, the document is promptly
re-filed electronically or a waiver is requested.

- 9 9. *Consequences of Electronic Filing* - The electronic
10 transmission of a document to the Court via an
11 electronic filing system authorized by the Court and
12 consistent with administrative and technical
13 requirements established by the Court, constitutes
14 filing of the document for all purposes, including
those of the Federal Rules of Bankruptcy Procedure and
local rules of this Court. The filing date and time of
a document electronically filed is when the document is
electronically received by the Court.

15 Filing a document electronically does not alter the
filing deadline for that document.

- 16 10. *Entry of Court Issued Documents* - All orders, decrees,
17 judgments, and proceedings of the Court may be filed in
18 accordance with this order. The entry date of an
order, decree, judgment or other proceeding of the
Court is that which is indicated on the Clerk's docket.

- 19 11. *Sealed Documents* - A Motion, made in accordance with
20 LBR 9018-1, to file documents under seal may be filed
electronically, however the documents sought to be
sealed must be filed conventionally.

- 21 12. *Retention of Documents Signed under Penalty of Perjury*
22 *or Under Oath* - Where a document is signed under
23 penalty or perjury or under oath, and is filed
electronically, the filing party shall retain the
24 document containing the written signature for a period
of not less than five(5)years, the maximum allowable
25 time to complete any appellate process, or the case or
Adversary Proceeding is closed, whichever is later, and
26 shall produce the document upon order of the Court, or
a copy made in the regular course of business as
27 described in 28 U.S.C. 1732.

1 13. *Documents Signed Under Penalty of Perjury* - Where a
2 document is signed conventionally under penalty of
3 perjury and filed electronically using a method that
4 does not display an image of the signature, the filing
party shall file with the Court as a separate document
a statement that the signing was witnessed and by whom.

5 14. *Signatures* - The electronic filing of a document shall
6 constitute the signature of that party for all purposes
7 for which a signature is required in connection with
8 proceedings before the Court, including FRBP 9011.
Where an electronic signature is permitted and used,
the electronic signature is the signature for all
purposes, including orders of the Court.

9 Where a document is filed electronically that was
10 initially signed conventionally, the submission of that
11 document constitutes a signature and will have the same
force and effect as a written signature for all
purposes, including FRBP 9011.

12 The signature on a document conventionally filed when
13 converted to an electronic format by the Court, will
14 likewise constitute a signature and will have the same
force and effect as a written signature for all
purposes, including FRBP 9011.

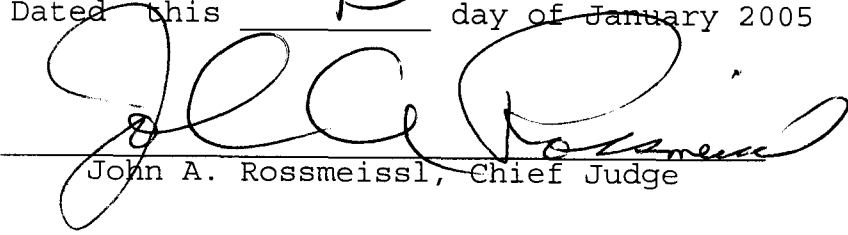
15 15. *Notice and Service of Documents* - A party filing any
16 document, electronically or conventionally, is required
17 to satisfy the notice and service requirements
18 established by the Federal Rules of Bankruptcy
19 Procedure. Any electronic notification given by the
Court of a filing is not intended as a substitute to
the duty of the filing party to provide notice or
service as required by statutes and rules,
particularly 11 USC 102, FRBP 2002, FRBP 7004, FRBP
9014, LBR 2002-1, or local rules.


20 16. *Technical Failures* - Appropriate relief under FRBP 9006
21 may be sought from the Court where an electronic filing
22 is made untimely as the result of a technical failure
of the Court.

23 17. *Administrative and Technical Procedures* - The Clerk of
24 Court is authorized to develop, adopt and publish
25 administrative and technical procedures to satisfy the
26 technical and administrative requirements of electronic
27 case management and electronic filing so long as they
are consistent with the standards, if any, established
by the Judicial Conference of the United States, the
Administrative Office of the United States Courts,
Federal Rules of Bankruptcy Procedure, local rules or

1 this order.

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3 Dated this 13 day of January 2005

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5 
6 John A. Rossmeissl, Chief Judge

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8 
9 Patricia C. Williams, Bankruptcy Judge